

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MICHIGAN**

FILED - GR
October 21, 2016 3:28 PM
CLERK OF COURT
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY: mkc SCANNED BY: *[Signature]*

Seth Miller, *Pro se*
Plaintiff

Case No#

1:16-cv-1255

Robert J. Jonker
Chief U.S. District Judge

v.

Midland Credit Management, Inc
Defendant

Plaintiff, Seth Miller, hereby sues Defendant, Midland Credit Management, Inc (MCM, Inc) for violations of 15 U.S.C. § 1681 et seq., the “Fair Credit Reporting Act (FCRA) and 15 U.S.C. § 1692, the “Fair Debt Collection Practices Act.”

JURISTITION AND VENUE

1. The jurisdiction of this Court is conferred by 15 U.S.C. §1681, 15 U.S.C. §1692k.

PARTIES

2. Plaintiff, Seth Miller, is a natural person and is a resident of the State of Michigan. Upon information and belief Defendant, Midland Credit Management, Inc is a foreign corporation, authorized to do business in Michigan.

VIOLATIONS

3. Plaintiff sent a Proof of Claim letter to Defendant on 7/22/2016 via certified mail, return receipt after reviewing all three major credit reports and noticed Defendant was reporting on Plaintiff's credit reports.

5. Defendant responded by sending Plaintiff a copy of a statement that Plaintiff cannot verify or validate the source of the document. Defendant is in violation of the FDCPA by not validating the debt and yet still reporting to all three major credit reporting agencies.

6. The Defendant is reporting derogatory information about Plaintiff to one or more consumer reporting agencies (credit bureaus) as defined by 15 U.S.C. § 1681a.

7. Plaintiff has disputed the accuracy of the derogatory information reported by the Defendant to the Consumer Reporting Agency Experian, Equifax and TransUnion on three separate occasions.

8. Defendant has not responded to Plaintiff's three letters of dispute by providing evidence of the alleged debt to Plaintiff nor to the Consumer Reporting Agency Experian, Equifax or TransUnion.

9. Defendant has not provided notice of this disputed matter to the credit bureaus and is therefore in violation of 15 U.S.C. § 1681s-2 which requires this notice.

10. Defendant has failed to comply with 15 U.S.C. § 1692g in that it has not within 5 days of Plaintiff's initial communication (nor at any other time) sent Plaintiff written documentation of the amount of the debt, the name of the original creditor nor other information required by the Fair Credit Reporting Act.

11. Defendant has failed to complete an investigation of Plaintiff's written dispute and provide the results of an investigation to Plaintiff within the 30 day period as required by 15 U.S.C. § 1681s-2.

12. Defendant has not notified Plaintiff of any determination that Plaintiff's dispute is frivolous within the 5 days required by 15 U.S.C. § 1681s-2, nor at any other time.

WHEREFORE Plaintiff seeks a reasonable and fair judgment against defendant for willful noncompliance of the Fair Credit Reporting Act and seeks his statutory remedies as defined by 15 U.S.C. § 1681n and demands:

\$1,000 for actual damages

\$5,000 in punitive damages

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Seth Miller", written in a cursive style.

Seth Miller
3821 Vail Ave
Grand Rapids, MI 49544

CERTIFICATE OF SERVICE

10/19/2016

I hereby certify that a true and correct copy of Plaintiff's Complaint was mailed via USPS to the clerk of the United States Western District Court of Michigan and to the Address below:

Midland Credit Management, Inc
P.O. Box 939069
San Diego, CA 92193

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Seth Miller", written in a cursive style.

Seth Miller

From:

S. Miller

3821 Vail Ave

Grand Rapids, MI

49504



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49503

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